

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Appln. No. 10/753,325

Atty. Docket No. Q79080

### **REMARKS**

Claims 1-15 and 17-21 are all the claims pending in the application.

#### **Claim Objections**

Claims 1, 2 and 8 stand objected to because of informalities. Applicants have amended these claims in a manner believed to overcome the objection.

#### **Claim Rejections - 35 U.S.C. §112**

Claims 1-15 and 17-21 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

With respect to claims 7, 8 and 11, the Examiner alleges that phrases in these claims reciting the minimum value of the first, second and third predetermined ranges, respectively, are unclear. Applicants disagree and submit that the phrases in these claims are sufficiently clear. Each of these claims depend from a claim reciting a predetermined range. A predetermined range inherently has a minimum value. Accordingly, when a predetermined range is set, the minimum value of that predetermined range is clearly the lower boundary of that range. Therefore, Applicant submits that the recitations of claims 7, 8 and 11 are clear and respectfully request that the Examiner withdraw the rejection of claims 7, 8 and 11.

With regard to claim 4, the Examiner asserts that the phrases in this claim reciting via overlapping with each other are vague. Particularly, the Examiner asserts that the non-limiting embodiment of Figs. 4 and 5B of the application do not illustrate overlapping via. However, the application does support these recitations in claim 4 and the recitations of claim 4 are clear. For example, in the non-limiting embodiments of Figs. 5A and 5B, first via VA4 overlap with first

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via VA3. Similarly, second via VB4 overlap with via VB3. Claim 4 depends from a claim reciting at least three wiring layers. Because there are multiple wiring layers, and each wiring layer includes via, via from different wiring layers may overlap with one another, as recited in claim 4. Accordingly, Applicants submit that this phrase in claim 4 is supported by the application and sufficiently clear and respectfully requests that the Examiner withdraw the rejection of claim 4.

Applicants have amended the claims in a manner believed to overcome the remaining rejections.

#### **Claim Rejections - 35 U.S.C. § 103**

##### **Claim 14**

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sowlati et al. (U.S. Patent Application Publication No. 2002/0047154) in view of Hajimiri et al. (U.S. Patent No. 6,690,570). Applicants respectfully traverse this rejection.

The Examiner's rejection is improper at least because the Examiner misapplies the Hajimiri drawings, which are not described as being drawn to scale. The Examiner asserts that Fig. 5 of Hajimiri teaches that the distance between first via in the longitudinal direction of a first electrode is larger than the distance between the first and second via of the first and second electrodes that are adjacent in each of the wiring layers. As explained in Applicants' response filed June 24, 2005, MPEP § 2125 states that proportions of drawings are not evidence of actual proportions when drawings are not indicated as drawn to scale. Therefore, the Examiner's reliance on Fig. 5 of Hajimiri is misplaced.

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In the present Office Action, the Examiner now asserts that the use of Hajimiri Fig. 5 is proper because the drawing is not used for the actual proportions, only their relative proportions. However, proportions are by definition relative. That is, proportions are the size of one part compared to the size of another part. The rule stated in MPEP § 2125 is specifically directed to the limited role of proportions in drawings which are not drawn to scale. The Examiner's contention that he is not considering the actual dimensions of the parts, only their dimensions relative to one another does not remove his assertion from the scope of MPEP § 2125. Instead, the Examiner's assertion is exactly what is covered by MPEP § 2125. Accordingly, the Examiner's reliance on the proportions of Hajimiri Fig. 5 is improper.

The Examiner acknowledges that Sowlati fails to teach the claimed via spacing. Accordingly, neither Sowlati nor Hajimiri teach the claimed via spacing, either alone or in combination, and claim 14 is allowable over the combined teachings and suggestions of these references.

#### **Claims 17-18**

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited Yoshida (EP 1 024 536 A2) in view of Sowlati. Claims 17 and 18 have been amended to depend from claim 1. The Examiner has indicated that claim 1 is allowable. Therefore, Applicants submit that claims 17 and 18 are not also allowable at least because of their dependency.

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**Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 1 and 19-21 would be allowable if rewritten to overcome the §112 rejections discussed above. These rejections have been overcome as addressed above. Accordingly, claims 1 and 19-21 are now believed to be allowable. Claims 2-13, 15, 17 and 18 depend from claim 1 and are therefore allowable at least because of their dependency.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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